

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

FESTIVAL FUN PARKS, LLC, etc.,

Plaintiff,

v.

MOUNTAIN CREEK RESORT, INC.,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 12-410(FSH)

ORDER

February 23, 2015

HOCHBERG, District Judge:

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge Hammer to deny the Motion for Instructions filed by Defendant and for this Court to find that the parties have consented to conduct all proceedings before the Magistrate Judge. Upon careful consideration of the submissions of the parties, and

it appearing that Judge Hammer determined that the parties consented to Magistrate Judge jurisdiction via paragraph 7 of their stipulation which very clearly conferred jurisdiction on the Magistrate Judge; and

it further appearing that Judge Hammer subsequently recommended that Defendant's Motion for Instructions be denied because the Court is not being asked to resolve a case or controversy and any decision rendered would simply be an advisory opinion; and

it also appearing that no objection to Judge Hammer's Report and Recommendation was filed by either party; and

the Court finding that Judge Hammer's Order properly finds that the parties consented to Magistrate Judge jurisdiction and the Motion for Instructions should be denied because the Court is not being asked to resolve an active case or controversy,

IT IS on this 23rd day of February, 2015,

ORDERED that Judge Hammer's Report and Recommendation is hereby **ADOPTED**.

s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.